



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Carl Gustav FIGDOR et al.

Serial No.: 10/625,202

Examiner: Not yet assigned

Filed: 23 July 2003

Group Art Unit: 1645

FOR: COMPOSITION AND METHOD FOR  
MODULATING DENDRITIC CELL-  
T CELL INTERACTION

PETITION UNDER 37 C.F.R. § 1.182

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Refund Ref:  
10/07/2004

Sir#30018054

Credit Card Refund Total: In response to the Notice to File Corrected Application Papers mailed 28 June 2004, submitted herewith is a copy of Figure 8 of the above-identified patent application VISA...: XXXXXXXXXXXX7973 together with a Supplemental Preliminary Amendment and Response to Notice to File Corrected Application Papers. This Petition is accompanied by the fee required under 37 C.F.R. § 1.17(h).

Adjustment date: 10/07/2004 AKELLEY  
08/26/2004 BSAYASI1 00000053 10625202  
01 FC:1460

This Petition requests that the Figure 8 submitted herewith be accepted as a part of the above-identified patent application and that the patent application be accorded a filing date of 23 July 2003 with priority to parent applications as claimed in the application as filed. According to the PTO records, no Figure 8 was submitted at the time the Application was filed. Applicants urge that Figure 8 was filed with the application papers submitted 23 July 2003 and have enclosed a copy of the postcard submitted with those papers and returned by the U.S. PTO with a barcode sticker indicating the serial number for the application, the postcard (as well as the Application Transmittal Letter submitted 23 July 2003) indicating that 14 pages of drawings were submitted.

08/26/2004 BSAYASI1 00000053 10625202

01 FC:1460

130.00 0P

Additionally, Applicants urge that Figure 8 was a part of the application as filed on 23 July 2003 because this application was filed as a divisional application together with a Preliminary Amendment which inserted language on page 1, at line 2, which included the continuing data claiming priority to the various parent applications and including the sentence, "All of the foregoing applications are hereby incorporated herein by reference in their entirety." The "foregoing applications" include, e.g., U.S. Application No. 09/719,961 and International Application No. PCT/NL00/00253, both of which include the Figure 8 which the PTO states was lacking from the filed papers of the present application. Because of the incorporation by reference, it is urged that the present application as filed did in fact include Figure 8 regardless of whether the page showing Figure 8 was missing from the papers as filed. Applicants certify that the Figure 8 submitted herewith is identical to the Figure 8 of parent applications U.S. 09/719,961 and PCT/NL00/00253 which should both be of record at the PTO and which were both incorporated by reference in their entirety into the present Application. Applicants hereby petition that Figure 8 be made a part of the present application (10/625,202) and that the present application retain its filing date of 23 July 2003.

It is further requested that the petition fee be refunded because it is urged that Figure 8 was in fact a part of the present Application as filed.

Respectfully submitted,



Stephen A. Saxe  
Registration No. 38,609  
Alexion Pharmaceuticals, Inc.  
352 Knotter Drive  
Cheshire, CT 06410  
Tel. 203-271-8289

Attorney Docket No. 89 DIV



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

| Complete if Known    |                    |
|----------------------|--------------------|
| Application Number   | 10/625,202         |
| Filing Date          | July 23, 2003      |
| First Named Inventor | Carl Gustav FIGDOR |
| Examiner Name        | Not yet assigned   |
| Art Unit             | 1645               |
| Attorney Docket No.  | 89 DIV             |

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None

 Deposit Account:

01-0483

Alexion Pharmaceuticals

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments
   
 Charge any additional fee(s) or any underpayment of fee(s)
   
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 1001 770                   | 2001 385                   | Utility filing fee     |          |
| 1002 340                   | 2002 170                   | Design filing fee      |          |
| 1003 530                   | 2003 265                   | Plant filing fee       |          |
| 1004 770                   | 2004 385                   | Reissue filing fee     |          |
| 1005 160                   | 2005 80                    | Provisional filing fee |          |
| SUBTOTAL (1) (\$)          |                            |                        |          |

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims       | Extra Claims |   | Fee from below | Fee Paid |
|--------------------|--------------|---|----------------|----------|
|                    | -20**        | = |                |          |
| Independent Claims |              |   |                |          |
| Multiple Dependent |              |   |                |          |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  | Fee Paid |
|----------------------------|----------------------------|--|----------|
| 1202 18                    | 2202 9                     | Claims in excess of 20                                     |          |
| 1201 86                    | 2201 43                    | Independent claims in excess of 3                          |          |
| 1203 290                   | 2203 145                   | Multiple dependent claim, if not paid                      |          |
| 1204 86                    | 2204 43                    | ** Reissue independent claims over original patent         |          |
| 1205 18                    | 2205 9                     | ** Reissue claims in excess of 20 and over original patent |          |
| SUBTOTAL (2) (\$)          |                            |  |          |

\*\*or number previously paid, if greater. For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$)                     | Fee Code (\$) | Fee Description  | Fee Paid |
|-----------------------------------|---------------|--|----------|
| 1051 130                          | 2051 65       | Surcharge - late filing fee or oath  |          |
| 1052 50                           | 2052 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130                          | 1053 130      | Non-English specification  |          |
| 1812 2,520                        | 1812 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804 920*                         | 1804 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*                       | 1805 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251 110                          | 2251 55       | Extension for reply within first month                                     |          |
| 1252 420                          | 2252 210      | Extension for reply within second month                                    |          |
| 1253 950                          | 2253 475      | Extension for reply within third month                                     |          |
| 1254 1,480                        | 2254 740      | Extension for reply within fourth month                                    |          |
| 1255 2,010                        | 2255 1,005    | Extension for reply within fifth month                                     |          |
| 1401 330                          | 2401 165      | Notice of Appeal   |          |
| 1402 330                          | 2402 165      | Filing a brief in support of an appeal                                     |          |
| 1403 290                          | 2403 145      | Request for oral hearing   |          |
| 1451 1,510                        | 1451 1,510    | Petition to institute a public use proceeding                              |          |
| 1452 110                          | 2452 55       | Petition to revive - unavoidable   |          |
| 1453 1,330                        | 2453 665      | Petition to revive - unintentional   |          |
| 1501 1,330                        | 2501 665      | Utility issue fee (or reissue)   |          |
| 1502 480                          | 2502 240      | Design issue fee   |          |
| 1503 640                          | 2503 320      | Plant issue fee  |          |
| 1460 130                          | 1460 130      | Petitions to the Commissioner  | 130.00   |
| 1807 50                           | 1807 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180                          | 1806 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021 40                           | 8021 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809 770                          | 2809 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 770                          | 2810 385      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 770                          | 2801 385      | Request for Continued Examination (RCE)                                    |          |
| 1802 900                          | 1802 900      | Request for expedited examination of a design application                  |          |
| Other fee (specify) _____         |               |  |          |
| *Reduced by Basic Filing Fee Paid |               | SUBTOTAL (3) (\$)  | 130.00   |

(Complete if applicable)

| Name (Print/Type) | Stephen A. Saxe | Registration No. (Attorney/Agent) | 38,609 | Telephone | 203-271-8289    |
|-------------------|-----------------|-----------------------------------|--------|-----------|-----------------|
| Signature         | Stephen A. Saxe |                                   |        |           |                 |
| Date              |                 |                                   |        |           | August 25, 2004 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.